

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEX BLOISE,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE
ISAAC NGMONTALVO SHIELD # 2168,
DETECTIVE MARK WORTHINGTON,

Defendants.
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23-CV-4894 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On October 24, 2023, I ordered Plaintiff to submit a letter demonstrating good cause as to why his failure to serve Defendant Worthington within ninety days after the complaint was filed should not result in Defendant Worthington’s dismissal from the action. (Doc. 29.) In response to Plaintiff’s letter, I extended the deadline for him to complete service on Defendant Worthington to December 22, 2023. (Doc. 31.) Notwithstanding this extension, Plaintiff has not filed an affidavit of service or taken any other action to prosecute this case as to Defendant Worthington. Accordingly, it is hereby:

ORDERED that, no later than January 3, 2024, Plaintiff shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why Defendant Worthington should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to

effect proper service and any prejudice suffered by the defendant as a consequence of the delay.”

Id. (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff’d*, 173 F.3d 844 (2d Cir.1999)). Plaintiff is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendant Worthington will result in Defendant Worthington’s dismissal from this action.

SO ORDERED.

Dated: December 26, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script than the last name "Broderick".

VERNON S. BRODERICK
United States District Judge